
By: **Chairman, Appropriations Committee (Departmental - Budget and Management)**

Introduced and read first time: February 7, 2001

Assigned to: Appropriations

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 15, 2001

CHAPTER _____

1 AN ACT concerning

2 **State Law Enforcement Officers - Death Benefits**

3 FOR the purpose of providing for a certain death benefit for certain State employees
4 who are killed in the performance of their duties on or after a certain date;
5 providing that the death benefit provided under this Act may not be paid if an
6 employee is killed as a result of the employee's negligence; and generally
7 relating to death benefits for certain State employees.

8 BY repealing and reenacting, with amendments,
9 Article - State Personnel and Pensions
10 Section 10-404
11 Annotated Code of Maryland
12 (1997 Replacement Volume and 2000 Supplement)

13 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
14 MARYLAND, That the Laws of Maryland read as follows:

15 **Article - State Personnel and Pensions**

16 10-404.

17 (a) (1) In this section the following words have the meanings indicated.

18 (2) "Child" means any natural, adopted, or posthumous child, or
19 stepchild, or the decedent who is:

20 (i) 18 years of age or under; or

1 (ii) over 18 years of age and incapable of self-support because of a
2 physical or mental disability.

3 (3) "Stepchild" means any child of the surviving spouse who was living
4 with or dependent for support on the decedent at the time of death.

5 (b) [(1) Except as provided in paragraph (2) of this subsection, this] THIS
6 section applies to all employees in:

7 [(i)] (1) the State Personnel Management System; and

8 [(ii)] (2) any other authorized personnel system established for a
9 unit of State government.

10 [(2) This section does not apply to an employee covered by the provisions
11 of Article 41, § 4-1002 of the Code.]

12 (c) (1) (i) [As provided in this section, a] ~~EXCEPT AS PROVIDED IN~~
13 ~~PARAGRAPH (2) OF THIS SUBSECTION, A~~ death benefit in the amount of \$100,000 shall
14 be paid to the surviving spouse, children, or dependent parents of any employee
15 subject to this section who is killed in the performance of duties on or after July 1,
16 2000.

17 (ii) A death benefit may not be paid under this ~~section~~ PARAGRAPH
18 if an employee is killed as a result of the employee's negligence.

19 (2) (I) A DEATH BENEFIT IN THE AMOUNT OF \$50,000 SHALL BE PAID
20 TO THE SURVIVING SPOUSE, CHILDREN, OR DEPENDENT PARENTS OF ANY STATE
21 EMPLOYEE COVERED BY THE PROVISIONS OF ARTICLE 41, § 4-1002 OF THE CODE WHO
22 IS KILLED IN THE PERFORMANCE OF DUTIES ON OR AFTER JULY 1, 2000.

23 (II) A DEATH BENEFIT MAY NOT BE PAID UNDER THIS PARAGRAPH
24 IF AN EMPLOYEE IS KILLED AS A RESULT OF THE EMPLOYEE'S NEGLIGENCE.

25 (III) AN INDIVIDUAL WHO RECEIVES A DEATH BENEFIT UNDER THIS
26 PARAGRAPH MAY NOT ALSO RECEIVE A DEATH BENEFIT UNDER PARAGRAPH (1) OF
27 THIS SUBSECTION.

28 [(2)] (3) A death benefit under this section shall be in addition to any:

29 (i) workers' compensation benefits; [and]

30 (ii) proceeds of any form of life insurance, regardless of who paid
31 the premiums on the insurance; AND

32 (III) BENEFIT PROVIDED TO A STATE EMPLOYEE COVERED BY THE
33 PROVISIONS OF ARTICLE 41, § 4-1002 OF THE CODE.

34 (d) (1) On notification by the head of the unit that employed the decedent,
35 the Secretary shall determine whether a death benefit will be paid under this section.

1 (2) If the Secretary determines that a death benefit is payable, payment
2 shall be made:

3 (i) to the surviving spouse;

4 (ii) if there is no surviving spouse, to the surviving children, in
5 equal shares; or

6 (iii) if there is no surviving spouse or children, to the surviving
7 parent or parents, if the parent was a dependent as defined in § 152 of the Internal
8 Revenue Code.

9 (e) A death benefit under this section shall be paid out of funds which the
10 Governor may appropriate for that purpose in the State budget.

11 (f) A decision of the Secretary under this section:

12 (1) is the final administrative decision; and

13 (2) is not subject to appeal under Title 10, Subtitle 2 of the State
14 Government Article.

15 SECTION 2. AND BE IT FURTHER ENACTED, That the provisions of this
16 Act shall be construed retroactively and applied to any State employee covered by the
17 provisions of Article 41, § 4-1002 of the Code who dies on or after July 1, 2000.

18 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take
19 effect July 1, 2001.